IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Contempt Petition No. 161 of 2006

Leela Dhar Mishra S/o Late P.T. Mishra, R/o Village Sunetha, P.O. Bharadi District- Bageshwar. ....Petitioner

Vs

Sri Mangal Mohan, District Panchayat Raj Officer, Nainital.

..Respondent

Sri N.K. Papnoi, Advocate holding brief of Sri M.C. Pant, learned counsel for the petitioner.
Sri J.P. Joshi, learned Chief standing counsel for the respondent.

Hon'ble B.S. Verma, J.

Misc. application is taken on record.

Heard Sri N.K. Papnoi, Advocate holding brief of Sri M.C. Pant, learned counsel for the petitioner and Sri J.P. Joshi, learned Chief standing counsel for the respondent.

By means of this contempt petition, learned counsel for the petitioner has prayed to punish the respondents for flouting the order dated 10-3-2006 (corrected vide order dated 13-4-2006) passed by this Court in Writ Petition No. 356 of 2005 Leeladhar Mishra Vs. State of Uttaranchal and another.

By the order dated 10-3-2006, this Court has passed an order that:-

"Heard Sri M.C. Pant, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of the respondent No.1 and 2.

Admit.

Learned standing counsel prays for and is granted three weeks to file counter affidavit. Rejoinder affidavit may be filed within three weeks thereafter.

However, the amount shall not be recovered from the petitioner in pursuance of the orders dated 02-20-2005 and 16-2-2005."

Despite of service no response was filed by the respondent till 18-5-2007. The respondent was directed on 18-5-2007 to appear in person before this Court on 13-6-2007, the Officer is present in person today.

The Misc. Application has been filed by Sri J.P. Joshi, learned chief standing counsel for the respondent along with affidavit. In paragraph No.3 of the affidavit it has been stated that no recovery was made from the petitioner after a direction of the Court's order dated 10-3-2006.

The writ petition is pending for disposal before this Court.

In view of the statement made in paragraph 3 of the affidavit, the contempt petition is dismissed at this stage. Notices are hereby discharged.

However, if the cause of action survives in future, the petitioner would be at liberty to file a fresh petition.

Personal appearance of the respondent is exempted.

All applications stands disposed of accordingly.

(B.S. Verma,J)

Dated: - 13-6-2007

M.K.